

**ENTERED**

September 08, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

ON SITE CONTAINER &  
COMPACTOR REPAIR, INC.,

Plaintiff.

VS.

BFI WASTE SERVICES OF TEXAS,  
LP,

Defendant.

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CIVIL ACTION NO. 4:20-CV-03394

# ORDER ADOPTING MAGISTRATE JUDGE'S MEMORANDUM AND RECOMMENDATION

On August 12, 2021, BFI Waste Services of Texas, L.P.'s Motion to Dismiss (Dkt. 9) was referred to United States Magistrate Judge Andrew M. Edison under 28 U.S.C. § 636(b)(1)(B). *See* Dkt. 20. Judge Edison filed a Memorandum and Recommendation on August 19, 2021, recommending that BFI Waste Services of Texas, L.P.'s Motion to Dismiss (Dkt. 9) be **GRANTED** in part and **DENIED** in part. *See* Dkt. 23.

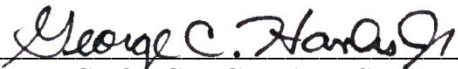
No objections have been filed to the Memorandum and Recommendation. Accordingly, the Court reviews the Memorandum and Recommendation for plain error on the face of the record. 28 U.S.C. § 636(b)(1); *see also* FED. R. CIV. P. 72(b)(3).

Based on the pleadings, the record, and the applicable law, the Court finds that there is no plain error apparent from the face of the record. Accordingly, it is hereby **ORDERED and ADJUDGED** that:

- (1) Judge Edison's Memorandum and Recommendation (Dkt. 23) is **APPROVED and ADOPTED** in its entirety as the holding of the Court; and
- (2) BFI Waste Services of Texas, L.P.'s Motion to Dismiss (Dkt. 9) is **GRANTED** in part and **DENIED** in part. Specifically, On Site Container & Compactor Repair, Inc.'s fraud cause of action is **DISMISSED**, but its quantum meruit claim remains.

It is so **ORDERED**.

SIGNED at Houston, Texas, this 7th day of September, 2021.

  
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GEORGE C. HANKS, JR.  
UNITED STATES DISTRICT JUDGE